

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

SHANTEL BACON,)	
)	
Plaintiff,)	
)	
v.)	No. 8:14-cv-3856
)	
DISCOVER FINANCIAL SERVICES, INC.,)	
)	
Defendant.)	

PLAINTIFF’S COMPLAINT

Plaintiff, SHANTEL BACON (“Plaintiff”), through her attorneys, alleges the following against Defendant, DISCOVER FINANCIAL SERVICES, INC. (“Defendant”):

INTRODUCTION

1. This action is brought by Plaintiff pursuant to the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

JURISDICTION AND VENUE

2. Subject matter jurisdiction of this court arises pursuant to 28 U.S.C. 1331.
3. Defendant conducts business in the State of Maryland thereby establishing personal jurisdiction.
4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

5. Plaintiff is a natural person at all times relevant residing in Germantown, Maryland.
6. Defendant is a business entity incorporated in Delaware with an office located in Carol Stream, Illinois.
7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

8. In 2014, Defendant began calling (301) 461-42xx, Plaintiff's cellular telephone number.

9. Defendant's calls are regarding a credit card account.

10. Plaintiff is not the account holder for the credit card account, Plaintiff never applied to be an account holder for the credit card account, and Plaintiff is not an authorized user for the credit card account.

11. Defendant has been assigned multiple telephone numbers from its telephone provider(s) that called Plaintiff including, but not limited to, 801-902-2943 and 801-902-2944.

12. Upon information and belief based on the frequency, number, and nature of the calls, Defendant called Plaintiff using an automatic telephone dialing system or other equipment capable of storing and/or producing telephone numbers ("auto dialer").

13. Between February 26 and April 7, 2014, Defendant used an auto dialer to call Plaintiff's cell phone fifty-seven (57) times.

14. Plaintiff never provided Defendant with her cell phone number.

15. Plaintiff never gave Defendant permission to call her cell phone.

16. Defendant did not have Plaintiff's prior express consent to use an auto dialer to call her cell phone.

COUNT I
DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

17. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

18. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or

willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff, SHANTEL BACON, respectfully requests judgment be entered against Defendant, DISCOVER FINANCIAL SERVICES, INC., for the following:

19. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B),

20. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C),

21. All court costs, witness fees and other fees incurred,

22. Any other relief that this Honorable Court deems appropriate.

Dated: December 10, 2014

RESPECTFULLY SUBMITTED,

By: / s/ Deborah Van Bergen

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